

EXECUTIVE SUMMARY:
FINAL RECOMMENDATIONS OF THE
2014-2015 ABINGTON CHARTER REVIEW COMMITTEE

Background - The Charter Review Committee was appointed in May, 2014 with the task of reviewing the Charter and making recommendations to Town Meeting. The Committee has made recommendations throughout the Charter, most of which are not substantive in nature. These recommended revisions were approved by unanimous vote of all the members of the Committee.

In undertaking its work, the Committee met ten times. Over the course of our meetings, we met with any interested party including the Town Manager, who, in addition to his own thoughts and ideas transmitted suggestions from other interested parties (Police Chief and Fire Chief); the Chairman of the Board of Library Trustees and the Library Director; the Moderator, Selectman Dion and the Chairman of the Conservation Commission. In addition, an invitation was extended, through the office of the Town Manager, to all board and committee chairpersons, elected officials and department heads to attend any meeting of the Committee. Finally a public hearing was held on January 21, 2015 at 7:00 to solicit comment on the Committee's preliminary recommendations

The Committee reviewed the Charter in total and section-by-section. In so doing, it sought to ensure compliance with state law, ensure internal consistency, eliminate redundancy, and ensure that the structure of the document is logical so that readers can easily find pertinent information. The Committee believes that it achieved these goals, recommending numerous changes of a ministerial, clerical nature including capitalization, sentence structure, grammar and organization.

The Committee views its recommended substantive and non-substantive revisions as enhancing, rather than significantly changing, the current structure of Town government. Each member of the Committee is appreciative of the opportunity to have been appointed to undertake this task, took the responsibilities of the Committee seriously, and is available to answer any questions that may arise. Below, please find a summary of the Committee's recommendations.

Article I. INCORPORATION

There are no substantive changes to Article 1.

Note, however, that the "Definitions" section, previously found in Article 7, has been moved to Article 1 for clarity.

Article II. LEGISLATIVE BRANCH

Section 2-7. Warrant Articles, has been revised to provide the Board of Selectmen more discretion as to the inclusion of articles on the Town Meeting warrant. However, the revision leaves untouched the right of registered voters to petition articles on to the warrant (10 registered voters for an Annual Town Meeting and 100 registered voters for a Special Town Meeting).

Article III. ELECTIONS (changed to ELECTIONS AND ELECTED OFFICIALS)

Section 3-1-1. Elected Offices, has been revised to eliminate references to the offices of Park and Recreation Commission and Trustees of Veterans' Memorials. This revision, along with transitional provisions, will convert these Town offices from elected to appointed. Note that the transitional provisions provide that elected incumbents holding offices as of the effective date of the Charter amendments will become the first appointees to the newly created appointed offices, and will hold such positions until the expiration of their respective elected term or their sooner retirement, resignation or removal.

Section 3-1-2. Annual Town Election, has been inserted as a new section. The text itself was moved from Section 7-12 so that all information in the Charter about elections is found in Article III.

Section 3-2. Board of Selectmen, has been revised to provide that vacancies occurring in the office of Selectman occurring in the three months immediately preceding the Annual Town Election shall not be filled. The reason for this change is to avoid a situation where the Town has to hold a special election, at significant cost, when only three months remain in the elected term.

Section 3-8. Board of Library Trustees, has been revised to clarify the role of the Library Trustees and the Town Manager in the process for appointment of the Library Director.

Section 3-13. Recall of Elected Officials, has been relocated from Section 7. In addition, it has been revised, with limited substantive effect, to address potential implementation issues and questions, including: clarifying requirements for submission of a recall affidavit, availability of recall petitions, identifying a "lead petitioner" to whom the petitions must be made available, form of recall petitions, the time frame for returning signed petitions, form of recall questions, and "trigger" for appointment restrictions after a recall petition has been filed.

Section 3-14. Vacancy in Office, has been revised to clarify the process for filling a vacancy on a multi member elected body. In particular, the revisions provide that while such appointments shall be made by a joint vote of the Board of Selectmen and the affected body, all that is required for the appointment vote to be taken is that a quorum of the Board of Selectmen be present.

Other revisions in Article III are non-substantive and relate to numbering changes and appropriate sequential order.

Article IV. TOWN MANAGER

Section 4-1. Appointment. Qualification. Term of Office, has been revised to authorize the Board of Selectmen, at its discretion, to appoint the Town Manager for a term of up to five years. The revision further expands any potential search committee to seven members, mandating membership only for a member of the School Committee and a member of the Finance Committee.

Section 4-2. Powers of Appointment, has been revised to clarify and strengthen the role of the Town Manager as the chief administrative officer of the Town as well as the Manager's appointment and supervisory authority.

Section 4-7, Removal and Suspension [of the Town Manager], has been revised to simplify the administrative obligations imposed under the current charter for removal and suspension of the Town Manager. As revised, the Charter would still require affirmative votes of no less than three members of the Board to terminate, remove or suspend the Manager. The section provides further that the process for taking such action may be addressed by contract with the Town Manager.

Other revisions to Article IV are non-substantive and relate to streamlining, clarifying and bringing coherence to the language. Some provisions relating to finance have been incorporated, more appropriately, in Article VI.

Article V. ADMINISTRATIVE ORGANIZATION

This Article was revised to remove sections providing for reorganization of Town government by bylaw or administrative code (already allowed if consistent with Charter and General Laws), publication of administrative code and staffing plan (addressed in Article IV in large part with respect to personnel issues), merit principal (addressed in several other locations in the Charter), and treasurer-collector (as revised, the Charter provides that all officers, including, therefore, the Treasurer Collector, are appointed by the Town Manager subject to the approval of the Board of Selectmen). Thus, these revisions to Article V are non-substantive and relate to removing redundant and extraneous language and ensuring conformance with other provisions of the Charter.

Section 5-1. Police Department Organization, was revised to clarify the appointment process for the Chief of Police and the Chief's role in appointing police personnel, and further to separately address the appointment and role of the Deputy Chief of Police.

Article VI. FINANCE AND FISCAL PROCEDURES

Section 6-2. Submission of Budget, was revised to clarify the process for providing information to the Town Manager for preparation of a proposed budget, and the process for submission of the proposed budget to the Board of Selectmen and Finance Committee. The revision eliminates the requirement that the summary of the proposed budget be printed in the local newspaper, but continues to require the summary to be posted on the Town's website.

The revisions to Article VI are non-substantive and clarify the budget process with respect to chronological order, content and time requirements, incorporating some language from existing Article IV. Some redundancies are removed to streamline the Charter language, including deletion of Section 6-8, which authorized the Town Manager to sign warrants for payment, where that same authorization is found in Section 4-2 of the Charter.

Article VII. GENERAL PROVISIONS

Section 7-9-2, Open Meeting Law, which section previously established requirements for the creation and posting of agendas and created multiple layers of notice required for each meeting, was revised to acknowledge that notice of each meeting of a governmental body must be provided in a manner consistent with the Open Meeting Law.

Section 7-9-5, Quorum, was revised to eliminate the provision that stated members of a multiple-member body may compel attendance of other members in accordance with the rules of that body. This provision would have been difficult to enforce. Of course, an appointing authority of a multiple-member body may, at its discretion, address excessive absences under Sections 7-13 and 7-14.

Section 7-13, Removals and Suspensions, was revised, similar to the revision applicable to removal and suspension of the Town Manager, to simplify the process. As revised, the section requires that removal be undertaken only after notice and an opportunity for a hearing, for “good cause”.

Other revisions to Article VII are non-substantive and include ministerial corrections consistent with revisions made to previous Articles. For example Section 7-7. “Definitions” was relocated to Article I, and Section 7-12. “Elections”, including the recall section, is now located in Article III. Various sections have been renumbered accordingly.

Article VIII. TRANSITIONAL PROVISIONS

Revisions to Article VIII reflect the incorporation of language necessary for transition to the amended Charter, including the timing of the changes and the elimination of language no longer required. In addition, the transitional provisions address the change from an elected to an appointed Park and Recreation Commission and Trustees of Veterans’ Memorials. The elected incumbents holding office as of the effective date of the Charter amendments would be considered the first appointees, to serve for the period of time consistent with the remainder of their respective elected terms, or their sooner vacating of office.